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10/735,673	12/16/2003	Daryl Gazzard	CING03-009-US	2828

64952	7590	07/12/2007	EXAMINER	
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2609	

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

10/735,673

### Applicant(s)

GAZZARD, DARYL

### Examiner

Awet A. Haile

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16, December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 05/06/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

*Claim objection*

1. Claims 14 and 15 objected to under 37 CFR 1.75 because of the following informalities

For claim 14 line 4, the occurrence of "BSC" seems to refer back to "BSC " previously recited in claim 12 line 2, if this is true, it is suggested to applicant to change "BSC" to -- the BSC --. Similar problem exist in claim 15 line 4.

For claim 14 line 6, the occurrence of "MSC" seems to refer back to "MSC " previously recited in claim 10 line 2, if this is true, it is suggested to applicant to change "MSC" to - the MSC --.

*Claim Rejections – 35 USC§ 112*

2. The following is a quotation of the second paragraph of 35 U.S.C 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 8-18 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 4 line 1, the occurrence of "the paging message" has no antecedent basis.

Similar problem exist in claim 8 line 4.

Claims 9-18 are rejected to because they depend on a rejected claim. Appropriate correction is required.

***Claim Rejection – 35 USC§ 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 4 and 5 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. Salin et al (6370390 B1).

For claims 1,3 and 5 Salin et al discloses a method for coordinating operation modes of a GPRS network in which a mobile subscriber is registered for communications services, comprising: transmitting a network message to the mobile subscriber via a primary network operation mode (see column 5, lines 22 – 24); if a failure condition occurs in the primary network operation mode, automatically switching the operation mode of the GPRS network to a secondary network operation mode (see column 5, lines 22- 32); and if the primary network operation mode is recovered, switching the operation mode of the network back to the primary network operation mode(see column 18, lines 26 – 43) as recited in claim 1. The primary network operation mode is a first network operation mode (NOMI) of the GPRS network. The secondary network operation mode is a second

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network operation mode (NOM2) of the GPRS network (see the abstract) as recited in claims 3 and 5. The paging message is transmitted from a mobile switching center (MSC) to a base station controller (BSC) through a Serving GPRS Support Node (SGSN), and then to the mobile subscriber (see column 7 lines 13-19) as recited in claim 4.

### ***Claim Rejection – 35 USC§ 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 2,6-10,16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salin et al in view of Josse et al (2002/0006125 A1).

For claims 2, 6-10,16 and 18 - 20 Salin et al discloses a method for coordinating operation modes of a GPRS network in which a mobile subscriber subscribes for

communications service, comprising: transmitting a network message to a mobile subscriber via one of a first operation routing and a second routing (see column 5 lines, 22 – 32), wherein in the first routing, the network message is sent via a first interface and a second interface, and in the second routing, the paging message is sent via a third interface( see column 7, lines 13-19),

if the first routing is unavailable for transmitting the network message, transmitting the network message to the mobile subscriber via the second routing( see column 5, lines 22-26); and after the first routing is recovered, transmitting further network messages to the mobile subscriber via the first routing(see column 18, lines 26 – 43). As recited in claim 8 and 19 .In the first routing, the network message is sent via one of circuit-switched and packet-switched channels, and in the second routing, the network message is sent via the circuit-switched channels (see column 7, lines 14 –19) as recited in claim 9, 10 and 18.

When the second routing is selected as a primary operation mode and the first routing is available, further comprising: transmitting a first-interface indication message indicating that the first interface is available;

responding to the first-interface indication message, transmitting an acknowledge signal confirming that the second routing process is preferred; and transmitting a block message to block the first interface to ensure that the network message is sent to the mobile subscriber via the third interface(see column 16 lines 34 –58) as recited in claim 16.

However Salin et al fail to teach the preference of the mobile subscriber as recited in claims 2, 8 and 20: the third operation mode as recited in claims 6 and 7.

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Josse et al from the same field of endeavor teach storing a registered preferred list of network operation modes selected by the mobile subscriber (see paragraph 46) as recited in claims 2,8 and 20. Switching the operation mode of the network to a third-preferred network operation mode when the secondary operation mode is failed. The third-preferred operation mode is a third network operation mode (NOM 3) of the GPRS network (see table 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of selecting the primary and secondary routing by the end user and the method adding a third mode in case the second mode fail as thought by Josse et al in to the SMS-GMSC of Salin et al the motivation for doing this to give the choice to the user to select the reliable and cost effective service.

9. Claims 11-15,17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salin et al and Josse et al as applied to claim 8 and 19 above, and further in view of Mizell et al (US 7006478 B1).

Salin et al and Josse et al discloses all the subject matter with the exception of transmitting a failure indication message from SGSN to the BSC for indicating that the first interface is unavailable. When the first interface is recovered, the SGSN sending a recovered message to the BSC.

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Mizell et al from the same field of endeavor teaches transmitting a failure indication message from the SGSN to the BSC indicating that the first interface is unavailable; receiving a failure acknowledge message from the BSC and switching the operation mode of the network to the second routing: (see column 7, lines 56- 67) as recited in claim 13, 14 and 21.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the transmitting method of acknowledge messages between BSC (BSS) and SGSN as taught by Mizell et al in to the modified BSS of Salin et al the motivation for doing this is to allow the BSS to manage the route according to the user preference.

For claims 11, 12, 15 and 17 Salin et al, Josse et al and Mizell et al discloses all the subject matter with the exception of resetting the BTS Virtual Circuit Identifier as recited in claims 11 and 12. Sending a BTS (base transceiver station) virtual circuit identity (BVCI)-block signal from the SGSN to the BSC; and BSC responding to the BVCI-block signal by sending a BVCI-block-acknowledge signal and switching the operation mode of the network to the second routing and transmitting a BVCI- unblock message indicating that the first interface is available and transmitting to the BVCI unblock message as recited in claims 15 and 17. However the method of transmitting the BTS



virtual circuit identifier (BVCI) signal for notification and acknowledgement purposes is a well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of sending BVCI-block signal for notification and acknowledgement purposes in to the modified BSS and SGSN of Salin et al. The motivation for doing this is to ensure the delivery of messages between the BSS and SGSN.

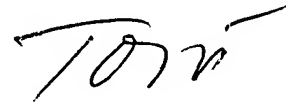
### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Landais et al (US 2002/0137532 A1), Hurlta et al et al (US 2004/0017798 A1), Demarez et al (US 2002/0151307), Hejna Jr (US 6598228), Bleckert et al (US 2002/0061756 A1), Svensson et al (US 6888822 B2), Suumaki et al (US 6847610 B1), Kuusinene et al (2001/0049731 A1) are recited to show communicating over more than one interface.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Awet Haile whose telephone number is (571) 270-3114. The examiner can normally be reached on Monday - Thursday 10:00 AM – 5:00 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton, can be reached on (571) 272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, Call 800 -786-9199(IN USA OR CANADA) or 571-272-1000.

A.H



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SUPERVISORY PATENT EXAMINER